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*Attorneys for Defendant  
William H. Howard*

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

DAVID BEASLEY

Plaintiff,

vs.

WILLIAM H. HOWARD

Defendant.

CASE NO. 1:19-cv-11058-JBS-  
KMW

**DECLARATION OF FRANK A.  
NATOLI IN SUPPORT OF  
DEFENDANT'S MOTION TO  
DISMISS**

I, **FRANK A. NATOLI**, declare, under penalty of perjury, as follows:

1. I am the managing attorney of NATOLI LEGAL LLC, and I submit this Declaration to the Court in support of Defendant's Motion to Dismiss.

2. I am a member in good standing of the bar of the State of New Jersey and the United States District Court for the District of New Jersey. I have personal

knowledge of the facts set forth below, and if called as a witness, I could testify truthfully.

3. Attached as Exhibit A is a true and correct copy of the decision of the United States Trademark Trial and Appeal Board (TTAB) in the first TTAB proceeding against the Defendant: *David S. Beasley v. William H. Howard DBA The Ebonys*, Cancellation No. 92057071 (2014 WL 7336473 Trademark Tr. & App. Bd.), decided on December 9, 2014 (the “First Action”).

4. Attached as Exhibit B is a true and correct copy of the decision of the United States Trademark Trial and Appeal Board (TTAB) in the second TTAB proceeding against the Defendant: *David S. Beasley v. William H. Howard DBA The Ebonys*, Cancellation No. 92066369 (2018 WL 529919 Trademark Tr. & App. Bd.), decided on January 19, 2018 (the “Second Action”).

5. Attached as Exhibit C is a true and correct copy of the Amended Petition that Plaintiff filed against Defendant in the First Action, filed on July 8, 2013.

6. Attached as Exhibit D is a true and correct copy of the Petition filed by Plaintiff against Defendant in the Second Action, filed on June 28, 2017.

7. Attached as Exhibit E is a true and correct copy of the Motion for Summary Judgment filed by Defendant against Plaintiff in the Second Action based on res judicata and collateral estoppel, filed on August 7, 2017.

8. Attached as Exhibit F is a true and correct copy of Defendant's Certificate of Registration for his trademark THE EBONYS.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Dated: June 11, 2019

s/ Frank A. Natoli

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